REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, receipt of the Office Action that was mailed on October 19, 2007. This amendment is responsive to the October 19, 2007 Office Action.

Claims 1, 5, 6, 8, 10, 15, and 23 have been amended. The amended subject matter of claims 1, 5, 6, 8, 10, and 15 is not new matter, as it is disclosed in paragraph 30 of the original specification. Claims 30-33 are new. The subject matter of claim 30 is not new matter, as it is disclosed in paragraph 4 of the original specification. The subject matter of claim 31 is not new matter, as it is disclosed in paragraphs 38 and 39 of the original specification. The subject matter of claims 32-33 is disclosed in Fig. 2 of the original specification.

PRIOR ART MATTERS

Claims 1-10, 12-14, 15, and 17-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2004/0164619 to Parker et al. (Parker). For reasons that will be set forth, claims 1-10, 12-14, 15, and 17-29 as currently amended are not anticipated by Parker.

Independent claims 1 and 8, as currently amended, recite methods comprising receiving a power signal from a power input, a data signal from a data input, and a primary communication signal. Upon receipt of a discover response signal from a network device, the power signal, the data signal, and the primary communication signal are provided to the network device on a shared media. Independent claims 10 and 23 recite an apparatus that concurrently (or simultaneously) transmits power, data, and primary communication to a device on a shared medium. To summarize, independent claims 1, 8, 10 and 23 recite that a data signal, a power signal, and a primary communication signal are provided to a network (powered) device on the same shared medium.

By contrast, in Parker only the power signal is provided to the network device over a shared medium. Parker makes no mention of providing a data signal to the network device. According to Parker, SERIAL_COM 307 is a serial interface for the PoE chip to communicate with the microcontroller or host controller on the circuit board (Parker, paragraph 45). SERIAL_COM 307 receives control information for managing power transmissions by PoE functional blocks 320_1-320_N and transmits the status of the controlled ports to the controller on the circuit board (Parker, paragraph 45). Accordingly, the status information, as referenced by the Office Action on line 3 of page 5, is not transferred on a shared medium to the network device. Therefore, for the reasons set forth above, Parker does not disclose every element of independent claims 1, 8, 10 and 23.

Claims 2-7, 9, 11-22, and 24-31 directly depend from one of claims 1, 8, 10 and 23 and therefore contain each and every element of one of claims 1, 8, 10, and 23. Therefore, for the reasons already set forth for claims 1, 8, 10, and 23, claims 2-7, 9, 11-22, and 24-31 are not anticipated by Parker.

In addition to the reasons set forth above, claims 5, 6, and 15 recite concurrently transmitting a second data signal with a data signal, a power signal, and primary communication signal on a shared medium. The Office Action relies on paragraphs 22-27 of Parker for sending a second data signal over the shared medium with the data signal, the power signal, and the primary communication signal. Applicant respectfully disagrees with this interpretation. Parker discloses a multi-port Ethernet jack module with embedded Power-Over-Ethernet where the multiple jacks are adapted to supply power to network devices over a link (Parker, paragraph 22). Parker defines a link as an information carrying medium such as a electrical wires (Parker, paragraph 18). Further, Figure 1 illustrates each individual network device 120 communicating with the switching device (Ethernet Jack module) 110 via a separate distinct link 130. Thus, although Ethernet jack module may be capable of communicating concurrently with multiple network devices via separate distinct links (medium), Parker makes not mention of concurrently transmitting a second data signal with a (first) data signal, a power signal, and a primary communication signal on a shared medium.

In addition, to the reasons set forth above, claims 4, 7, and 15 recite multiplexing a data signal and a second data signal for transmission on a shared medium. Office Action relies on paragraphs 22-29 for multiplexing a data signal and a second data signal. Applicant respectfully asserts that paragraphs 22-29 do not disclose multiplexing two data signals. Multiplexing means to combine one or more signals. Paragraphs 22-29 of Parker make no mention of combining signals. Rather, paragraphs 22-29 discuss multiple distinct links coupling multiple distinct network devices to a switching device. Although multiple signals may be communicated between the switching device and the individual network devices respectively, Parker makes no mention of these multiple distinct communication links being multiplexed or combined.

In addition the reasons set forth above, new claims 31 and 32 recite that the primary communication signal (e.g. Ethernet) is sent over a first output (or 'used' pair of conductors) and the data and power signals are sent over a second output (or 'unused' pair of conductors). Parker does not teach or suggest these elements.

In addition to the reasons set forth above, new claim 32 recites that a discovery signal is sent via the second output (the output that shares data and power) to the network device. Power is provided to the network device in response to a discovery response signal received via the secondary output.

Claims 11 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Parker and U.S. Patent Publication 2003/0068033 to Kiko (Kiko). Claims 11 and 16 directly depend from claim 10, and therefore contain each and every element of claim 10. The aforementioned deficiency of Parker for claim 10 is not remedied by any teaching of Kiko. The examiner relies on Kiko for disclosing a modulator (Kiko, paragraph 0052) to modulate signals using a frequency shift-keying scheme to transmit digital data (Kiko, paragraph 0058). This does not remedy any of the aforementioned deficiencies in Parker with respect to claim 10.

CONCLUSION

Withdrawals of the objections and rejections are requested for the reasons set forth herein and a Notice of Allowance is earnestly solicited. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/33235.

Respectfully submitted,

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